

REMARKS

REJECTIONS UNDER 35 U.S.C. § 103

Claims 28, 36 and 37 were rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,586,338 issued to Lynch et al. (*Lynch*) in view of U.S. Patent No. 6,405,038 issued to Barber et al. (*Barber*). Applicant submits that claims 28, 36 and 37 are not rendered obvious by *Lynch* in view of *Barber* for at least the reasons described below.

Independent claim 28 recites:

reading a first system identification number (“SID”) broadcast in a first frequency band,
said first SID identifying a particular cellular service provider;
determining whether said first SID matches a SID stored in a SID table;
switching to a second frequency band and reading a second SID broadcast in said second frequency band if said first SID does not match a SID stored in said SID table, wherein said particular cellular service is identified if said first or second SID matches a SID stored in said SID table; and
determining whether a low-priority detection process is sufficient for detecting said particular cellular service support if neither said first nor said second SID are identified in said SID table;
performing the low-priority detection process if the low-priority detection process is determined to be sufficient for detecting said particular cellular service support; and
performing a high priority detection process for detecting said particular cellular service support if the low-priority detection process is determined to be insufficient.

Claim 37 recites similar limitations. The Office Action cites *Lynch* as disclosing the limitations of claim 28 except that it does not disclose determining whether a low priority detection process is sufficient and performing a high priority detection process if the low priority detection process is insufficient. Applicant agrees that *Lynch* fails to disclose this limitation.

Furthermore, *Lynch* explicitly states that the system in *Lynch* can only be used “as long as...at least one received SID from each band is stored in the subscriber unit.” See column 9, lines 5-8. In other words, the system in *Lynch* is only operable if the received SID matches a

SID stored in the subscriber unit. In direct contrast, Applicant's claim 1 recites determining whether a low-priority detection process is sufficient for detecting cellular service support if **neither said first nor said second SID are identified in said SID table**. Thus, *Lynch* not only fails to teach the limitations of claim 28, but also explicitly teaches against the invention as claimed in claim 28.

The Office Action cites *Barber* as disclosing a method of low-priority detection process for determining particular cellular service support and performing a high priority detection process for detecting said particular cellular service support if the low priority detection process is determined to be insufficient. Applicant respectfully disagrees with this characterization of *Barber*. *Barber* discusses assigning carrier selection priority levels based on whether a detected SID is labeled a primary SID, a secondary SID, or a preferred SID stored in memory, etc. *Barber* does not, however, teach or suggest using different detection processes to detect cellular service support as claimed by Applicant. *Barber* merely makes passing references to detecting SIDs (see col. 5, line 15 – col. 6, line 4) whereas claim 28 distinctly recites both a low priority detection process and a high priority detection process. Therefore, Applicant respectfully submits that claim 28 is patentable over *Barber*.

Given that both *Lynch* and *Barber* fail to disclose the limitations of claim 28, Applicant respectfully submits claims 28 and 37 are patentable over *Lynch* and *Barber*. Claim 36 depends from claim 28. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claim 36 is not obvious in view of *Lynch* and *Barber*.

Claims 29, 30, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lynch* and *Barber* in view U.S. Patent No. 6,311,060 issued to Evans (*Evans*) and further in view

of U.S. Patent No. 6,044,265 issued to Roach (*Roach*). Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Roach* for at least the reasons described below.

Evans was cited as disclosing that a control message is referred to as a page and SID is carried in the control channel. *Roach* is cited as disclosing a method of identifying the SID by a NPA. Whether or not *Evans* and *Roach* disclose the limitations cited in the Office action, neither *Evans* nor *Roach* cure the deficiencies of *Lynch* and *Barber* as discussed above. Claims 29 and 30 depend from claim 28. Claim 38 depends from claim 37. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Roach*.

Claims 31-34 and 39-42 were rejected under 35 U.S.C § 103(a) as being unpatentable over *Lynch* and *Barber* in view of *Evans* and further in view of U.S. Patent No. 5,159,625 issued to Zicker (*Zicker*). Applicant submits that claims 31-34 and 39-42 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Zicker* for at least the reasons set forth below.

Claims 31-34 depend from claim 28. Claims 39-42 depend from claim 37. As discussed above, claims 28 and 37 are not obvious in view of *Lynch*, *Barber*, and *Evans*. *Zicker* is cited as teaching the exchange of data between host and a remotely programmable cellular mobile radiotelephone. *Zicker* does not cure the deficiencies of *Lynch*, *Barber*, and *Evans*. Therefore, given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claims 31-34 and 39-42 are not rendered obvious by view of *Lynch* and *Barber* in view of *Evans* and further in view of *Zicker*.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 28-34 and 36-42 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Applicants have included a copy of all claims in the attached index for the Examiner's convenience.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: _____

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